

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANTOINE DESHAWN BARNES,

Case No. 1:21-cv-01218-DAD-SKO

Plaintiff,

ORDER TRANSFERRING CASE

v.

KAMALA HARRIS, et al.,

Defendants.

On August 13, 2021, Plaintiff Antoine Deshawn Barnes, a state prisoner proceeding *pro se*, filed a complaint against Defendants Kamala Harris, Nancy Pelosi, Joe Biden, and “CCPOA Union.” (Doc. 1.) The complaint purports to allege claims pursuant to 42 U.S.C. § 1983 for violations of Plaintiff’s constitutional rights. (*See id.*)

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action

1 may otherwise be brought as provided in this section, any judicial district in which any defendant is
2 subject to the court's personal jurisdiction with respect to such action.” 28 U.S.C. § 1391(b).

3 Neither Plaintiff nor any of the defendants as specified resides in this district.¹ In addition,
4 the claims are alleged to have arisen at the California Men’s Colony in San Luis Obispo (*see* Doc.
5 1 at 1), which is in the Western Division of the Central District of California. Therefore, Plaintiff’s
6 suit should have been filed in the United States District Court for the Central District of California,
7 Western Division. In the interest of justice, a federal court may transfer a complaint filed in the
8 wrong district to the correct district. *See* 28 U.S.C. § 1406(a); *Abrams Shell v. Shell Oil Co.*, 165 F.
9 Supp. 2d 1096, 1103 (C.D. Cal. 2001).

10 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States
11 District Court for the Central District of California, Western Division.

12
13 IT IS SO ORDERED.

14 Dated: August 13, 2021

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

15
16
17
18
19
20
21
22
23
24
25
26
27
28 ¹ Plaintiff alleges he is currently an inmate at the California Men’s Colony in San Luis Obispo, California. (*See* Doc. 1
at 1.) All of the defendants are listed as located in Washington, D.C., except for “CCPOA Nation Wide Unions at
CCPOA State Wide Unions,” whose location is unspecified. (*See id.* at 2.)